

REMARKS

The Office Action mailed on March 21, 2005 has been received and reviewed. Claims 1-23 are in the case. Claims 1,2,6,7,8,13,19,20, and 23 were rejected under 35 U.S.C. 102(b) in view of U.S. Patent 5,335,818 to Maldanis (hereinafter "Maldanis"). Claims 1,2,6,7,8,13,14,15,19,20,21, and 23 were rejected under 35 U.S.C. 102(b) in view of U.S. Patent 4,289,254 to Spring (hereinafter "Spring"). Claims 5,9,11, and 12 were rejected under 35 U.S.C. 103(a) in view of Spring.

Claims 17 and 18 were rejected under 35 U.S.C. 103(a) as unpatentable over Spring in view of U.S. Patent 4,911,309 to Stefan (hereinafter "Stefan"). Claim 22 was rejected under 35 U.S.C. 103(a) as being unpatentable over Spring in view of U.S. Patent 4,621,745 to Grace (hereinafter "Grace"). Claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Maldanis in view of U.S. Patent 4,347,952 to Bookout (hereinafter "Bookout").

Accordingly, the claims 1, 19 and 23 are amended to clarify the invention and to comply with the objections cited by the Examiner.

REJECTION OF CLAIMS 1,2,6,7,8,13,14,15,19,20,21 and 23 UNDER 35 U.S.C. §102(b)

Claims 1,2,6,7,8,13,19,20 and 23 were rejected under 35 U.S.C. §102(b) as being anticipated by Maldanis. Maldanis discloses a cold drink vending mechanism having a hold back lever 88 that is manually pivotable to block cans in a "track above an escapement mechanism 84 so that the escapement mechanism 84 may be removed, replaced, or otherwise worked on without discharging all of the cans from the track." (see col 7, lines 24-30). Arms 86 and 87 of the escapement mechanism 84 are actuated through a control panel and allow a single can to be release to a dispensing area 28 (see col 7, lines 20-23).

Claims 1, 2, 6, 7, 8, 13, 14, 15, 19, 20, 21, and 23 were rejected under 35 U.S.C. §102(b) as being anticipated by Spring. Spring discloses a can dispensing mechanism having a gate 34 "for holding back a row 20 during the vend cycle when can 30 is discharged and for releasing can 36 for movement into the standby position occupied by can 30." (see col 2, lines 16-20).

The present invention discloses a storage unit with a selectively engageable stop that differs from the hold back lever 88 disclosed in Maldanis. Whereas Maldanis discloses an escapement mechanism and an arm for selectively moving cans one at a time into a dispensing area (which may


or may not be equivalent to a vertically lower storage unit), the present invention teaches a selectively engageable stop that is positioned proximate a user-accessible dispensing area such that the selectively engageable stop holds containers for user access at the dispensing area.

Also, the present invention discloses a storage unit with a selectively engageable stop that differs from the hold gate 34 disclosed in Spring. Whereas Spring discloses a gate 34 for allowing one can at a time to proceed to a dispensing area at the time of a sale, the present invention teaches a selectively engageable stop that is positioned proximate a user-accessible dispensing area such that the selectively engageable stop holds containers for user access at the dispensing area.

The abstract states that the selectively engageable stop either holds the containers [at the dispensing area] or passes the containers to a cascaded storage unit. Additionally, the detailed description states that “[t]he containers 160 then roll, slide, or are mechanically conveyed to the dispensing area, where the selectively engageable stop...holds the containers 160...” (see lines 23 and 24 pg. 10). Consequently, the selectively engageable stop is a vital component of the dispensing area. The selectively engageable stop does not release a container into a dispensing area as in Maldanis and Spring; rather, the selectively engageable stop holds a container for user access when the selectively engageable stop is engaged. When the selectively engageable stop is disengaged, the container is not held for dispensing by the selectively engageable stop, but is redirected to another storage unit for greater available storage area.

Accordingly, in order to distinguish further the relationship of the selectively engageable stop and the dispensing area of the present invention, Applicants have amended claim 1 to include descriptive language delineating the location of the selectively engageable stop relative to a user-accessible dispensing area. In conjunction therewith, Applicants have amended claims 19 and 23 to include similar language. Applicants assert that the amendments to claims 1, 19, and 23 sufficiently clarify the claimed subject matter of the invention, and place the claims and their dependent claims in condition for allowance. In the event any questions remain, the Examiner is respectfully requested to initiate a telephone conference with the undersigned.

Respectfully submitted,

A handwritten signature in black ink, reading "Steve McDaniel", written over a horizontal line.

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